

IN THE SUPREME COURT OF ARKANSAS

ADMINISTRATIVE PLAN FOR THE 16TH JUDICIAL DISTRICT

The 16th Judicial District is a five (5) county district located in rural North Central Arkansas consisting of Independence, Cleburne, Izard, Fulton and Stone Counties. There are currently four (4) Circuit Judges who serve the 16th Judicial District.

The Judge of Division One is John Dan Kemp who resides and has his office in Mountain View, Stone County, Arkansas. The Judge of Division Two is Adam Harkey who resides and has his office in Batesville, Independence County, Arkansas. The Judge of Division Three is Lee Harrod who resides in Greers Ferry and has his office in Heber Springs, Cleburne County, Arkansas. The Judge of Division Four is Tim Weaver who resides in Mount Pleasant and has his office in Melbourne, Izard County, Arkansas.

The Administrative Plan for 2009 - 11 is the same plan approved by the Supreme Court in 2008 and in 2005, and which the District has been operating under since 2003. We have found this plan to be effective in meeting the needs of our District.

The judges of the District have always cooperated in handling heavy dockets and when conflicts occur. Our plan is reflective of this and we will continue to work together to streamline the handling of the District's workload.

All the judges willingly handle those cases from another division that are uncontested or need emergency action. The workload division for the four judges is as follows under our Administrative Plan for 2009 - 11:

Division One has jurisdiction of all Criminal Division cases in Independence, Cleburne and Stone Counties and jurisdiction of the Drug Court of the entire District, which currently includes Independence, Cleburne and Stone Counties, and will soon include Izard/Fulton Counties when implemented.

Division Two has jurisdiction of one-half of all Civil, Domestic Relations and Probate Division cases in the District.

Division Three has jurisdiction of all Juvenile Division cases in the District and all Child Support Enforcement cases in the District.

Division Four has jurisdiction of one-half of all Civil, Domestic Relations and Probate Division cases in the district and all Criminal Division cases in Fulton and Izard Counties.

The judges shall handle protective orders and mental health and drug commitments without regard to division assignment as they do for any other emergency presentation.

Judge John Dan Kemp of Division One has been selected to serve as Administrative Judge for the District for the next two years.

AMENDMENT TO ADMINISTRATIVE PLAN

Pursuant to the provisions of Section 6 of Amendment 80 to the Arkansas Constitution and the Administrative Order Numbers 14 and 18 of the Arkansas Supreme Court, and subject to the approval of the Supreme Court, in order to supplement the Administrative Plan and provide for an efficient operation of the newly created pilot district courts to be located within this circuit, and to ensure an equal division of work load in this circuit and to better utilize the judicial and support resources available in this district for the prompt and efficient resolution of cases, the undersigned being all the judges of the Circuit Courts of the 16th Judicial Circuit hereby agree to and propose the following amendment to the plan for the administration and assignment of cases within the 16th Judicial Circuit to become effective, pursuant to said Administrative Order upon approval of the Supreme Court.

The Supreme Court has, pursuant to statutory enactment of pilot state district court judgeships in Arkansas issued a Per Curiam Order adopting Administrative Order Number 18 which sets out certain jurisdictional parameters for the pilot district courts, two of which are located within the 16th Judicial Circuit. Pursuant to an agreement with the two affected district judges and the four circuit judges of the 16th Judicial Circuit the undersigned adopt this amendment to the Administrative Plan for this circuit to become effective upon approval of the Supreme Court by adding the following to the said plan.

(1.) We understand that all of the provisions of the said Administrative Order Number 18 in regard to reference of specific cases to the pilot district court may be utilized by the judges of the circuit as provided therein.

(2.) Under the "Other matters" provision of Section (b)(4) of Administrative Order Number 18, the judge of the pilot district court of either Independence or Cleburne County shall have the authority to enter orders in matters of an emergency or uncontested nature pending in the civil, domestic relations, or probate division of the circuit court which arose within the territorial jurisdiction of the pilot district court over which such pilot district judge presides including but not limited to: decedent's estates administration, uncontested divorces, and civil actions where the defendant is in default. This does not include personal injury actions, actions for damages to real property, or uncontested adoptions which shall be dealt with in circuit court. Such matters as are herein authorized may be presented to the appropriate pilot district judge without any order referring or transferring the specific case or cases to the said district judge.

(3.) In addition to the above, pursuant to the terms of Section (b)(2) Administrative Order Number 18, petitions for temporary orders of protection which arose within the territorial jurisdiction of the pilot district court over which such pilot district judge presides may be heard by the said district judge without any additional specific case by case transfer or referral from the circuit court to such district judge.

(4.) In addition to the above, pursuant to Act 698 of 2009, petitions for orders of protection which arose within the territorial jurisdiction of the pilot district court over which such pilot district judge presides may be heard by the said district judge without any additional specific case by case transfer or referral from the circuit court to such district judge. The authority for the pilot district court to hear petitions for orders of protection is pursuant to Section (2)(c)(2) of Act 698 of 2009 and is contingent upon jurisdiction being established by the Supreme Court under Amendment 80, Section 7 of the Arkansas Constitution and approval of the assignment of these cases to the pilot district court through this amendment to the 16th Judicial District Administrative Plan.

(5.) Under Section (b)(5) of Administrative Order Number 18, the pilot district court judge shall have the authority to perform all of the functions set out in said Section

(b)(5)(A)(B)(C)(D) and (E) without a specific order transferring or referring individual matters to him on a case by case basis.

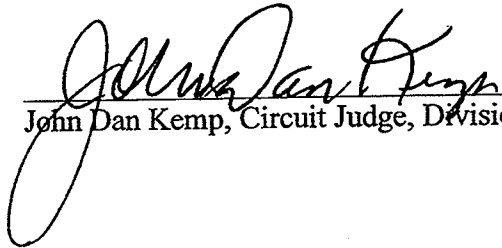
(6.) The administrative judge, as to any case, or the circuit judge (to whom a specific matter would under the Administrative Plan normally be assigned) shall have the authority to direct that such matter may not be heard in district court or direct that it may not be further heard in district court.

(7.) Should the work assumed by reference of cases under this plan become an undue workload burden upon a pilot district court judge, then, such judge may decline further work hereunder to the extent that such pilot district court judge and the administrative judge of this circuit agree is necessary in order to rectify any such inequity.

The distribution of cases in the divisions of circuit court to be made under the existing Administrative Plan shall remain the same as there provided and assignment shall remain the same as currently provided, except that if the assignment of cases under this amendment to the plan shall cause a material change in the number of cases assigned to a particular circuit judge hereunder then the administrative judge may transfer sufficient cases where needed to offset the inequity.

The undersigned circuit judges believe that the procedure outlined herein when implemented with the provisions of Administrative Order Number 18 and the applicable law will maximize efficiencies of case administration and disposition, avoid wasted effort and utilize the judicial resources available here effectively.

WHEREFORE, the undersigned being all of the judges of the circuit courts of the Sixteenth Judicial Circuit each hereby agree to the above Amendment to Plan and further hereby respectfully petition the Supreme Court of Arkansas to approve the same for use along with the existing plan in the 16th Judicial Circuit upon approval of the Supreme Court, until such time as it is superseded.


John Dan Kemp, Circuit Judge, Division One

(Signed) Adam Harkey
Adam Harkey, Circuit Judge, Division Two

(Signed) Lee Harrod
Lee Harrod, Circuit Judge, Division Three

(Signed) Tim Weaver
Tim Weaver, Circuit Judge, Division Four

The above Amendment to Administrative Plan has been submitted to the undersigned judges of the District Court of Independence County which is a pilot district court under Act 663 of 2007 and the District Court of Cleburne County which is to become a pilot district court under Act 345 of 2009 and state that they have reviewed it and, as it relates to their responsibilities and duties, they hereby indicate their approval of the same and willingness to implement it if approved by the Supreme Court.

(Signed) Chaney Taylor
Chaney Taylor, Judge
District Court Independence County

(Signed) Michael E. Irwin
Michael E. Irwin, Judge
District Court Cleburne County


Adam Harkey, Circuit Judge, Division Two

Lee Harrod, Circuit Judge, Division Three

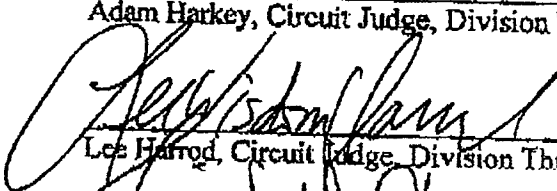
Tim Weaver, Circuit Judge, Division Four

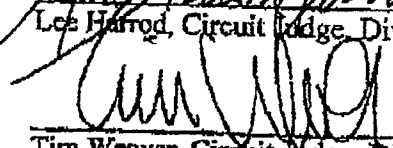
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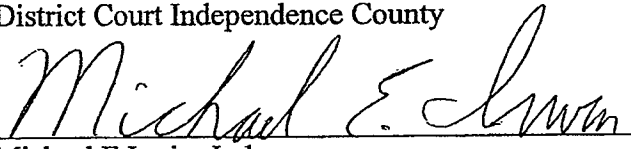
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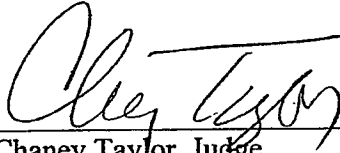

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